

REMARKS

The Office Action dated October 10, 2003 has been read and carefully considered and the present Amendment submitted in order to clarify the claim language and also to reduce the number of claims to expedite the further prosecution of the present patent application.

In that Office Action, claims 1-9, 12, 15-19, 25, 27-31, 34-44 and 46-47 were rejected under 35 U.S.C. 102(e) as being clearly anticipated by Brown, U.S. Patent 6,037,168. Claims 1-7, 15-19, 15?, 26-31, 34-37, 39-44 and 46-47 were rejected under 35 U.S.C. 102(b) as being clearly anticipated by Chandler, U.S. Patent 5,869,345 or Bogart *et al*, U.S. Patent 5,468,606. Claims 1-2, 4, 15-19, 25-31, 34-37, 39-44 and 46-47 were rejected under 35 U.S.C. 102(b) as being clearly anticipated by Jacobson *et al*, U.S. Patent 4,260,687. Claims 1-7, 15-19, 25-31, 34-17, 39-44 and 46-47 were rejected under 35 U.S.C. 102(b) as being clearly anticipated by Shields *et al*, U.S. Patent 6,033,627. Claims 1-2, 4-7, 15-16, 18-19, 25-31, 39-40, and 46-47 were rejected under 35 U.S.C. 102(b) as being clearly anticipated by Ozbey *et al*, U.S. Patent 6,186,403.

Next, claims 10-11, 13-14, 20-24, 32-33 and 48-51 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Jacobson *et al*, Shields *et al*, Chandler, Bogart *et al* or Brown. Claims 8-9 and 38 were rejected under 35 U.S.C. 103 (a) as being unpatentable over Ozbey *et al*, Jacobson *et al*, Shields *et al*, Chandler and Bogart *et al*. Finally, claim 45 was rejected under 35 U.S.C. 103 (a) as being unpatentable over Ozbey *et al*, Jacobson *et al*, Shields *et al*, Chandler, Bogart *et al* or Brown in view of Marker *et al*, U.S. Patent 4,85,110.

As such, Applicant has amended all of the independent claims to better define the invention as a sample holding substrate that is formed by one or more specific mechanical steps, that is, by cleaving, cutting, chipping, sawing or scaling where the sample holding substrate so formed is readily produced and does not require the laborious further steps of polishing the surface of the substrate.

As now claimed, therefore, the invention is related and directed to the substrate that is formed by one of the specified mechanical steps and not to the particular construction of the sample card or holder itself, that is, the present substrate can be inserted and used with various sample cards or holders including a sample card that is a demountable or disposable window holder. In addition, the claims are now also limited to the use of the present substrate with an infrared spectrophotometer or infrared filter, a use that requires the infrared energy to pass through the clear aperture of the support window and unlike those cited references, for example, that relate to diagnostic devices.

Taking the cited references, all of the references relate to the construction of the assembly or device that retains the substrate or other diagnostic device and are not relevant to the present invention that can be used with various holders. To the contrary, it is the substrate and its particular formation that is the basis for the present invention. Accordingly, with the newly amended claims, it is submitted that none of the cited references is pertinent to the particular substrate that is disclosed and claimed in the present patent application.

The title and the "Field of the Invention" have also been amended to direct the focus of the specification and claims to the substrate and not to a particular holder within which the substrate is positioned.

As such, with the amended claims, it is submitted that the focus of the invention is better directed to the invention and which is not disclosed nor suggested in any of the cited references and an allowance of the present application is respectfully solicited.

Respectfully submitted,



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